

## **Senate Bill No. 1163**

### **CHAPTER 862**

An act to add Section 42247.5 to the Education Code, relating to school desegregation.

[Approved by Governor October 10, 1997. Filed  
with Secretary of State October 10, 1997.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

SB 1163, Greene. School facilities: voluntary desegregation plans.

Existing law requires that, prior to reimbursement for certain costs incurred by school districts for voluntary desegregation, the governing board of a school district submit to the Superintendent of Public Instruction and the Controller a copy of the district's desegregation plan, which the governing board has certified is the latest adopted plan. Existing law sets forth a formula for computing the amount that a school district may be reimbursed for the costs of its voluntary desegregation program that uses the 1984-85 fiscal year as a base year, or for school districts initiating a program after that fiscal year that uses the first full year of operation of the program as the base year.

This bill would specify that the "Administrative Recommendations and Action Plans for Implementing a Voluntary Desegregation Plan in the Sacramento City Unified School District," adopted February 29, 1988, and as subsequently amended, is the latest adopted plan for the Sacramento City Unified School District. The bill would also provide that commencing with the 1998-99 fiscal year and each fiscal year thereafter, the amount that the Sacramento City Unified School District may be reimbursed for the costs of its voluntary desegregation program shall not exceed the amount in excess of  $\frac{1}{5}$  of the audited desegregation cost approved by the Controller and actually incurred in the 1990-91 fiscal year, reduced by the federal desegregation reimbursement of \$3,096,989 received in the 1990-91 fiscal year, as adjusted for inflation and changes in enrollment, as specified. The bill would include in the 1990-91 base year expenditures by the school district for its federal magnet program, as specified.

This bill would declare that it shall not become operative unless and until funding is provided for its purposes in the annual Budget Act.

This bill would make a legislative finding and declaration of unique circumstances in this regard.

*The people of the State of California do enact as follows:*

SECTION 1. Section 42247.5 is added to the Education Code, to read:

42247.5. (a) For the purposes of Section 42247.1, the “Administrative Recommendations and Action Plans for Implementing a Voluntary Desegregation Plan in the Sacramento City Unified School District,” adopted February 29, 1988, and as subsequently amended, shall be the latest adopted desegregation plan for the Sacramento City Unified School District.

(b) Notwithstanding Section 42247, commencing with the 1998–99 fiscal year, and each fiscal year thereafter, reimbursements for voluntary desegregation authorized pursuant to Sections 42243.9, 42247, and 42249 to the Sacramento City Unified School District shall not exceed the amount in excess of one-fifth of the audited desegregation costs approved by the Controller and actually incurred in the 1990–91 fiscal year, reduced by the federal desegregation reimbursement of three million ninety-six thousand nine hundred eighty-nine dollars (\$3,096,989) received in the 1990–91 fiscal year, adjusted pursuant to Section 42247.2, provided that the school district has contributed in the prior fiscal year not less than one-fifth of the audited costs approved by the Controller that fiscal year. The audited costs actually incurred in the 1990–91 fiscal year includes expenditures for the Sacramento City Unified School District’s federal magnet program.

(c) Nothing in this section shall be construed to permit the Sacramento City Unified School District to receive any of the following:

(1) Additional reimbursement for the costs of its voluntary desegregation program for any fiscal year prior to the 1998–99 fiscal year.

(2) More than four-fifths of actual costs of the district’s voluntary desegregation program approved by the Controller for any fiscal year.

(3) Reimbursement for any voluntary desegregation program costs for which the district receives federal funding.

SEC. 2. It is the intent of the Legislature in enacting this act to recognize that the “Administrative Recommendations and Action Plans for Implementing a Voluntary Desegregation Plan in the Sacramento City Unified School District,” adopted February 29, 1988, and as subsequently amended, is the latest adopted desegregation plan of the school district, to declare the intent of the Legislature that any proposed plan of the school district that was previously used for the purposes of Section 42247.1 no longer be used for that section, and to use the 1990–91 fiscal year, as the first full year of operation of the Sacramento City Unified School District under that plan, as the base

year for the purpose of computing the amounts that the district may be reimbursed for the costs of its voluntary desegregation program.

SEC. 3. The Sacramento City Unified School District is currently operating a voluntary desegregation program. The costs for the program exceed the state's funding allowance because existing law holds the district to a maximum based upon the 1984-85 fiscal year, a year when the district had only begun to plan its programs. In contrast, existing law permits school districts commencing their programs following the 1984-85 fiscal year to have their reimbursement based upon the first full year of program operation. In order for the Sacramento City Unified School District to be reimbursed based upon the first full year of program operation, it is the intent of the Legislature in enacting the act to, commencing with the 1998-99 fiscal year and each fiscal year thereafter, set the base fiscal year for all state reimbursement calculations for the district's voluntary desegregation program at the 1990-91 fiscal year. It is further the intent of the Legislature that the expenditures for the district's federal magnet program shall be included in the 1990-91 base fiscal year. It is further the intent of the Legislature that the costs claimed by the district be subject to an audit of the expenditures in accordance with the standards and procedures for audits of voluntary and court-ordered desegregation programs issued by the Controller.

SEC. 4. Section 1 shall not become operative unless and until funding has been provided through the annual Budget Act.

SEC. 5. The Legislature finds and declares that due to the unique circumstances set forth in Sections 2 and 3 of this act regarding the Sacramento City Unified School District, a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.

